

Frankfort/Franklin County  
Planning Commission

July 12, 2007  
5:30 P.M.

Chairman Dwayne Cook, Presiding

Chairman Dwayne Cook called the meeting to order. Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	Patti Cross	
	Charles Booe	
	Charles Stewart	
	Annie Metcalf	
	Joel Schrader	
	Keith Lee	
	David Garnett	
	Darrell Sanderson	
	Dwayne Cook	(10)
Member Absent:	Vickie Sewell	(1)

There being a quorum, the meeting proceeded.

The first item of business was approval of the minutes of the meeting of June 14, 2007. It was noted that Darrell Sanderson was present at the June meeting. A correction noted on page four was in the fourth paragraph, 6<sup>th</sup> line, should read “feels” instead of fells. Another change on page four, fourth paragraph, 6<sup>th</sup> line should read “He stated with the new development if there is opportunity for connectivity they do not need to do that.”. A change on page five, 2<sup>nd</sup> paragraph, the voted was 5-3-1. A change on page six, 5<sup>th</sup> paragraph, 4<sup>th</sup> line should read “that is more restriction...”. A motion was made by Jackson to approve the minutes with the above corrections being noted. The motion was seconded by Mr. Garnett and carried unanimously.

The next item of business was approval of the payment of bills. A motion was made by Mr. Garnett to approve the following bills for payment:

Dianna Rogers – PC/May 2007	\$ 525.00
Dawn McDonald – BZA/June 2007	75.00
Edwin Logan – PC/June - \$700	
Edwin Logan – BZA/June - \$550	1,250.00
Judd’s – Name Plates	18.95
State Journal	50.38
Judd’s	37.90
Annie Metcalf (2007 Nat’l Planning Conference)	1,402.46

The motion was seconded by Mr. Sanderson and carried unanimously.

There were no reports of officers, standing committees, special select committees or special orders.

Under staff items, Mr. Gary Muller, City Planning Director, stated there were two training opportunities in August and for more information see him.

Under old business in a request tabled from June 14, 2007, was a request, in accordance with the County's Subdivision and Development Plan Regulations, Mr. Charlie Jones, on behalf of M&W, LLC for approval of the proposed development plan for Parcel B (Kohl's). Specifically, the applicant is requesting approval of the development plan as required by the previously approved preliminary subdivision plat since the development contains a building greater than 40,000 square feet. The subject property is located on the south side of Versailles Road at the intersection of I-64 and Versailles Road and has the PVA map #086-00-00-021.00, zoned CH – Highway Commercial.

Mr. Charlie Jones, Attorney, was present for the applicant. He stated they have made a majority of the revisions and changes. He stated a fire change was the major change.

Mr. Gary Muller, City Planning Director, stated since June 26<sup>th</sup> staff has received comments from other agencies. He stated there are minor items to be resolved. Mr. Muller stated they can't sign off until the final record plat is recorded. Mr. Keith Lee stated it seemed previously the main concern was storm water and drainage. Mr. Muller stated Mr. Hackbart, Director of Public Works, had submitted a memorandum and they had no problems with the Kohl's request.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Ms. Metcalf to approve the request with the five staff conditions being met. The motion was seconded by Mr. Lee. Those voting in favor: Mr. Jackson, Ms. Cross, Mr. Boeek, Mr. Stewart, Ms. Metcalf, Mr. Lee, Mr. Garnett, Mr. Sanderson, Mr. Cook. Abstaining from the vote was Mr. Schrader. The motion carried.

The next item of new business was a request, in accordance with Part 7.10.00 of the Subdivision and Development Plan Regulations, Denham-Blythe Co., Inc., requesting several modification of standards for the proposed development referenced as Capital Day School, located on Glenns Creek Road, with access from Sower Blvd., more specifically described as PVA map #075-00-00-004.02. The requested modification of standards are to Part 3, figure 3.11 concerning the location of utilities outside of a public right-of-way; and Sections 2.03.05 Street Connectivity and Section 3.03.02.O to allow a private street rather than a public street to provide access from Sower Blvd. Across State owned property to the subject site and no connection to the vacant property to the north.

Mr. Charles Stewart recused himself from this item.

Mr. Albert Kinman was present on behalf of the applicant. He stated he was on the Board of Directors and on the Building Committee. He stated the requests are due to topography. He stated their property is 60' to 80' above Glenns Creek Road. He stated the best access is off of Sower Boulevard and that would provide a lighted entrance. Mr. Kinman stated they have requested an easement from the State and it will be granted. He added that only water access is at Sower Boulevard. Mr. Kinman stated they were in agreement with the staff report except for page five, item two mentioning subject to state approval. He asked what is the state won't approve. He stated other than that they were in agreement with the staff report and conditions. Mr. Kinman stated the sewer at this time would be located outside public right-of-way.

Mr. Gary Muller stated there were no corrections to the staff report. He stated this was a unique project in that the state owns the adjacent property and access is through state property with an easement. He added dealing with Mr. Kinman's above concerning the state, we would not mandate if the state says no.

Mr. Lee asked if it was a problem to not have sewer access defined now. Mr. Muller stated no. Ms. Metcalf asked if the private road becomes public later would these easements be outside public right-of-way. Mr. Muller stated yes. Mr. Muller stated the developer has no control on what is built around them due to state ownership. He added the school does not want the general public walking around the property. Mr. Booe asked why the connectivity to Glenns Creek was problematic. Mr. Muller stated the frontage along Glenns Creek is a cliff wall and it would be a significant change to the character to blast the area. He added the topography exceeds a 12% grade.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett to approve the request subject to staff conditions on page 7 of the staff report. The motion was seconded by Mr. Jackson. Those voting in favor: Mr. Jackson, Mr. Cross, Mr. Booe, Ms. Metcalf, Mr. Schrader, Mr. Lee, Mr. Garnett, Mr. Cook. Voting against the motion was Mr. Sanderson. The motion carried.

A motion was made by Mr. Garnett to suspend the rules to hear more than two public hearings. The motion was seconded by Ms. Metcalf and carried unanimously.

The next item of business was a public hearing request from Floyd Gregory Smith for approval of a zone map amendment from Agricultural District (AG) to Rural Residential District (RR) for a 6.58 acre property located at 354 Manley Leestown Road in Franklin County, Kentucky.

The Secretary swore in all wishing to speak regarding this matter.

Mr. Charlie Jones, Attorney, was present on behalf of the applicant. He stated there is a horse on the property but it is not really used for agriculture. He stated it should not have been agriculture to begin with. He added there are only six acres and PVA requires ten acres to get that designation. Mr. Jones stated the majority of uses in the area are ½ acre to two acre houses. Mr. Garnett stated the staff report indicates surrounding uses as AG. Mr. Jones stated they would not be getting anyone's right-of-way.

Mr. Robert Hewitt, County Planning Director, was qualified by Mr. Edwin Logan, Commission Attorney. Mr. Hewitt stated there was an error in the staff report referencing right-of-way. Mr. Hewitt recommended approval of the request. Mr. Logan requested the staff report be entered into the record in lieu of additional testimony. The record was entered without objection. Mr. Sanderson asked if this would be one lot right now. Mr. Hewitt stated yes. Mr. Booe asked if this request had been referenced properly. Mr. Hewitt stated yes. Mr. Jones requested this request be considered tonight.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett to close the public hearing. The motion was seconded by Ms. Metcalf and carried unanimously.

A motion was made by Mr. Garnett to adopt the staff report as the summary. The motion was seconded by Ms. Metcalf and carried unanimously.

A motion was made by Mr. Garnett to adopt findings 1 through 5 of the staff report as findings of fact. The motion was seconded by Mr. Schrader and carried unanimously.

A motion was made by Mr. Garnett to recommend approval of the request to Fiscal Court based on the findings of fact and that the request was in compliance with the Comprehensive Plan. The motion was seconded by Mr. Sanderson and carried unanimously.

The next item of business was a public hearing request from Ricky L. Wentworth for a zone map amendment from Rural Residential "B" District (RB) to Planned Residential (PR) for 51.71 acres of property located on Devils Hollow Road and Skyline Drive in Franklin County, Kentucky. The properties are more specifically identified as PVA map ID #048-00-00-032-00 and 048-40-03-004.00.

The Secretary swore in all wishing to speak regarding this request.

Mr. William Johnson, Attorney, was present for the applicant. He stated they were in agreement with the staff report. Mr. Garnett asked if anyone was present who prepared the staff report. Mr. Johnson stated no.

Mr. Garnett asked what the items not contemplated in the Comprehensive Plan as identified in the applicant's statement of fact were. Mr. Johnson stated the new school, sewer and water expansions and a new subdivision in the immediate area.

Members of the audience asked questions:

Don Daniel stated the sewers were not adequate and that was referenced in the staff report. Mr. Johnson stated the sewer has been upgraded substantially. Mr. Daniel stated the staff report stated sewer was not adequate. Mr. Johnson stated Mr. Hewitt should address that.

Carol Poole stated she was told by the County that Skyline Drive Phase II would be capacity for the sewers and asked how that would be taken care of. She stated the road behind her house is one single lane and two cars can't pass. She stated when the complex is built and traffic comes out how will that be addressed. Mr. Johnson stated that would be a development plan issue. He added he had an addendum from the County Road Engineer that the road would have to be widened. Mr. Johnson added that the Sewer Department would not approve the development until it meets requirements.

Bobbie Cook, 480 Devils Hollow Road, stated the back of her property connects to the applicant's property. She asked how far they would be from her. Mr. Johnson stated distances were not set yet. Mr. Wentworth stated they would have to meet the Zoning Regulations.

Jerry Eades, 148 Skyview, asked if they could apply for a zone change if they don't have sewers to the property. Mr. Johnson stated that was a development issue. Mr. Eades asked if this would be zoned like surrounding property or be more dense. Mr. Johnson stated most of the surrounding is RB and some IG. Mr. Eades asked if the school was a change. Mr. Johnson stated yes.

Mr. Leonard Riddle, 130 Skyview, was concerned about sewers. Chairman Cook stated that was a development issue. Mr. Riddle asked about the traffic study. Mr. Johnson stated it showed the development will not cause substantial problems.

Mary Trodell stated she had traffic concerns and had concerns about the rifle range on Moss Lane. She asked who would take care of the green space. Mr. Johnson stated they were not involved with the rifle range property and the green space would be outlined on the preliminary plan.

Mr. Robert Hewitt stated the property is RB now and is a single family residential zone with a 9,000 square foot minimum lot size with a density of 4.84 units per acre. He added that PR requires 2 of the 4 use types listed and the density has to be compatible to the surrounding area. Mr. Hewitt stated PR requires 50% open space of property. Mr. Hewitt stated the current zoning is appropriate and the proposed zoning is appropriate. Mr. Hewitt stated the County Road Engineer had not reviewed the

applicant's traffic study but had made his own assessment that there would have to be improvements made. Mr. Hewitt stated that based on the Sewer Department sewers were available. Mr. Hewitt stated page 11 should be replaced with the road superintendent statement. Mr. Logan requested the staff report and amendment be entered into the record. The record was entered without objection by Chairman Cook.

Mr. Lee asked if this report took into account the two recently rezoned subdivisions. Mr. Hewitt stated no, not the one on Pea Ridge Road or the multi-family because they have not been officially acted on by Fiscal Court. Mr. Garnett stated the traffic report doesn't indicate a problem. He asked Mr. Hewitt if he agreed. Mr. Hewitt stated not entirely. Mr. Garnett stated the traffic almost doubles. Mr. Hewitt stated he based his report on the traffic study and added he was not sure if the school was anticipated in 2001. Mr. Hewitt stated under the current regulations for the property as it is now zoned the density is 4.84 per acre and you deduct 30% for infrastructure.

Don Daniel asked Kelly if he felt Devils Hollow Road was safe. Mr. Hewitt stated he felt some areas were safe and there could be improvements to Skyview Drive but that would be up to the State and the County Road Department. Mr. Eads asked if the analysis considered the surrounding properties. Mr. Hewitt stated yes. He added he did not include the church and maybe missed Moss Lane. Mr. Eads asked if there would be an increase in density. Mr. Hewitt stated no. Mr. Eads asked if it was inappropriately zoned now. Mr. Hewitt stated no. Mr. Eads asked who would own and maintain the greenspace. Mr. Hewitt stated it would depend on how the development is laid out.

Mr. Hewitt stated he viewed the area as a suburban area but part of an urban area. Mr. Kenny Turner, 100 Skyview, stated he is at the fork of Skyview and Skyline and was concerned about the widening of the road and the taking of his property and property values. Mr. Hewitt stated he could get the applicant to provide additional land or if that could not be obtained they can come back and maybe they can't reach their intended potential. Mr. Hewitt stated there are a lot of variables. He stated over 50% of the area was wooded and that is ideal for green space and buffers. Mr. Jackson asked if he could access to Devils Hollow. Mr. Hewitt stated yes.

The following spoke in opposition to the request:

Bobbie Cook, 480 Devils Hollow, was concerned about traffic put on Devils Hollow Road. She stated it would add 1400 more vehicles to Devils Hollow Road. She stated she did not understand the traffic study and felt it was insignificant.

Leonard Riddle was concerned about the traffic impact and felt there should be major road changes.

Kristie Wilhoite, 619 Skyline, was concerned about the traffic and felt Skyline was too small for that traffic.

Jerry Eads stated he felt they haven't heard enough reasons to change the zone. He felt it would change the density. He stated he felt the traffic study was not consistent and the main roads to be affected would be Skyline and Skyview and they weren't really mentioned in the traffic study. He submitted picture of the area and stated as currently zoned it fits into the area. He stated he felt the traffic study was very confusing .

A motion was made by Mr. Sanderson to close and table the public hearing for summary. The motion was seconded by Mr. Schrader and carried unanimously.

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## RECESS

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The next two items were public hearings and were heard together: The Franklin County Planning & Building Codes Department is requesting a text amendment to Article 8 Floodplain Zone of the County's Zoning Ordinance. The proposal is to rescind the existing Article 8 and replace it with the new text.

The City of Frankfort's Planning Department is requesting a text amendment to Article 9 of the City's Zoning Ordinance. The proposal is to rescind the existing Article 9 and replace it entirely with the new text.

The secretary swore in all wishing to speak regarding this matter.

Mr. Logan requested the two staff reports and FEMA documentation be entered into the record in lieu of additional testimony. Mr. Muller submitted a new page 12. Mr. Hewitt and Mr. Jackson stated this request was done in conjunction with the Zoning Ordinance Update Committee.

There was no one in the audience to speak in favor or in opposition.

A motion was made by Mr. Garnett and seconded by Mr. Sanderson to close the public hearing. The motion carried unanimously.

A motion was made by Mr. Garnett to adopt the staff reports as summaries. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Garnett to recommend approval to both governing bodies. The motion was seconded by Ms. Metcalf and carried unanimously.

Mr. Muller stated Envision will hold training and it will count as 2 credit hours.

Ms. Metcalf requested if a traffic report is done by a consultant that they attend the meeting when the item is first discussed.



A motion was made by Mr. Sanderson to adjourn. The motion was seconded by Ms. Cross and carried unanimously.

\_\_\_\_\_Chairman

\_\_\_\_\_Recording Secretary